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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,167	11/30/1999	MATTI UUSIMAKI	944-001.005	8699

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

23

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/451,167

Applicant(s)

UUSIMAKI, MATTI

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed on 02/23/04 have been fully considered but they are not persuasive. Applicant argues that the cited references Colonna et al. (USPN 6115620), Kim (USPN 6397078) and Tyneski et al. (USPN 5584054) alone or in combination do not teach an electronic device featuring a touch circuitry located on a movable slide. However, as shown in the art rejection below, Tyneski discloses that by opening the flap (104), the switch located within a hinge (106) senses the change in the flap position and sends a signal to the controller section enabling a display (col. 2, lines 8-14). It would have been obvious for one of ordinary skill in the art that the switch being located within a hinge (106) is shown on the movable flap (104) (Fig. 2) and is functional equivalent of the desired "circuitry". Furthermore, it would have been obvious to utilize Kim's sliding configuration of the device (10) instead of Tyneski's flipping configuration of the device (100). Applicant argues that the cited references do not teach a touch sensitive circuitry. However, as shown in the art rejection below, Tyneski teaches the pressure being applied on the pressure surface (204) to touch sensitive activation areas (206), Fig. 2, and discloses that the switch located within a hinge (106) senses the change in the flap position and sends a signal to the controller section enabling a display (col. 2, lines 8-14). One skilled in the art would have ascertained that the sensing of position could be incorporated in the touch sensitive activation process (204, 206) as opposed to being located on a hinge.

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2. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colonna et al. (USPN 6115620) in view of Kim (USPN 6397078) and Tyneski et al. (USPN 5584054).

Regarding claims 1 and 4, Colonna teaches about a portable communication device (100), hinge assembly (214), first housing element (202), and second housing element (204) that is movable relative to first housing. See column 3, lines 61-67, and column 4, line 16. In addition Colonna teaches about a sensor producing a position signal to indicate the position of the second

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housing element relative to the first housing element. See column 2, lines 45-51 and Fig 2.

However, Colonna does not teach a touch sensitive circuitry providing the position of a contact force applied by the user. Kim on the other hand teaches the keypad (16) performing sliding and is electrically connected to the support member (18) which includes operating electronics by contacts (19) on the rear of the keypad and electrical contacts on the front of the electrical support member (18). See Fig (3-5) and col. 2, lines 47-61.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Colonna's portable communication device to adapt Kim's slidable keypad (16). One would have been motivated in view of the suggestion in Kim that the keypad (16) as configured in Fig 3 including the contacts and the electronics associated with it satisfy the desired circuitry with respect to the contact force. The use of keypad helps the function a mobile PDA device.

Colonna has been discussed above. However, Colonna does not teach a touch sensitive circuitry such that the circuitry is located on the moveable part. Tyneski on the other hand teaches a second mode of operation for handset device (100) with a flap or a front cover (104) in an open position. Tyneski discloses that by opening the flap (104), the switch located within a hinge (106) senses the change in the flap position and sends a signal to the controller section enabling a display.

Therefore, it would have been obvious to one of skilled in the art at the time the invention was made to modify Colonna's portable communication system to adapt Tyneski's sensing and sending functions done by the second mode of the operation. One would have been motivated in view of the suggestion in Tyneski that the second mode equivalently provides the desired

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functions to the movable part. The use of a switch doing the sensing helps function a portable communication device as taught by Tyneski.

Regarding claim 2, see Kim's Fig. 3 (13).

Regarding claim 3, see Tyneski's Fig. 2 (104)

Regarding claims 5, 9, 18, 27-28 and 31, Kim teaches the PDA device (10) including base assembly (12), slidable keypad (16), contacts and keys input buttons (22, 23, 28). See Fig 3.

Regarding claims 6 and 7, Colonna teaches about a controller (106), user interface (110) with respect to RF signals. See column 2, lines 65-67, and column 3, lines 1-7.

Regarding claim 8, Kim teaches the use of touch sensitive screen (27) as well as a keypad (16) which is slid out along space rails (17), and a cover (13) along with the associated switch the type of which can be electrical, mechanical and magnetic. See col.2, lines 19-61.

Regarding claims 10 and 29, Colonna teaches about different types of input devices as wells as different electronic devices such as radiotelephone and PDA. See column 2, lines 60-65. Also see column Fig 2 and 3.

Regarding claims 11, 21-26 and 30, see Colonna's Fig 2 (206, 208).

Regarding claims 12 and 16, Colonna teaches the use portable communication device including the use of speakerphone mode, which is illustrated in terms of a switching process. See col. 1, lines 5-11.

Regarding claim 13, Colonna's teaches about sensor circuitry. See Fig 8.

Regarding claims 14, 17, and 19-20, Colonna teaches about speaker (10) and radiotelephone system. See Fig 12. Colonna also teaches about, keypad (206) along with

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controller (106), user interface (110), and 19 and transmission of RF signals data including voice and control signals. See Fig 1, and 2.

Regarding claim 15, see Colonna's Fig 3.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abduselam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

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Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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April 21, 2004


XIAO WU
PRIMARY EXAMINER